PROGRAM OVERVIEW

Program Orientation

The purpose of child and family services is to provide continuity, consistency and permanency in a family setting for the growing child. Permanency planning and follow through are key to eliminating negative effects of separation from parents and family while in temporary foster care. Foster care must be viewed as a short term solution to an emergency situation and permanency planning must continue throughout the youth's placement in care.

The foster care program for children provides placement and supervision of children who have been abused and/or neglected and cannot remain in their family homes because they would be at risk of further harm. Services must be focused on resolving the problems which necessitated removal.

Selection of a placement for a child outside of the child's own home must be dictated by safety, the needs of the child and the child's "best interests" including the child's need for permanency. This placement, depending on an individual child's needs, is to:

- Promote a safe return home (reunification).
- When reunification is not possible, promote permanency for the child (i.e., adoption, guardianship. permanent placement with a fit and willing relative or another planned permanent living arrangement. When families cannot be reunified, children must be prepared for safe, appropriate permanent placements. A placement is considered permanent if it is intended to last until the child reaches adulthood.

Philosophy Statement

- Children have a right to a stable home environment that provides for their safety, nurtures their development and promotes a sense of belonging.
- Foster care must be viewed as a temporary solution to an emergency situation - the protection of the child from abuse or neglect, as identified during the protective services process, where temporary removal from the parent's home is ordered by the court.

- Removal of children from their families occurs only when families are absent, or unable or unwilling to provide minimally acceptable care. Efforts to reunify must begin immediately after removal. Permanent arrangements must be initiated when reunification efforts are unsuccessful or when such efforts would place the child at risk.
- Relative care is a key to substantially reducing the negative effects of removal from parents and family while in temporary foster care. A child's relative network must be the preferred out-of-home placement for both temporary and permanent circumstances. (See FOM 722-03, Placement with Relatives.)
- The selection of the relative/unrelated caregiver or foster care
 provider should involve family decision-making, where possible
 and appropriate, and includes a thorough assessment (to
 include CPS file clearance, criminal history check, and home
 study) of the family's potential to provide for the child with consideration given to the input of the parent.
- An appropriate permanent placement for all children in a family is the primary goal of foster care. A solution focused approach must be used with parents and significant others involved to resolve the issues which led to out-of-home care.
- Foster care must be directed toward assisting parents in improving the level of care for children in their homes in a timely manner. If reunification after temporary placement cannot be achieved, foster care must be directed to establish permanence outside of the family home, with preference for placement within the child's relative network.
- The child's family home is the preferred permanent placement. Child neglect is rarely intentional. Most parents can be helped to assume responsibility and to provide care for their own children with the provision of immediately available, appropriate and intensive services.

OUTCOMES FOR CHILDREN

DHS is committed to improving results for children and families involved in the child welfare system, including:

 Reducing the number and rate of children removed from their birth families.

- Increasing the number and rate of children coming into foster care who are placed in their own neighborhoods or communities.
- Reducing the number of children placed in institutional and group home care and shifting resources from group and institutional care to relative care, family foster care and family centered services.
- Decreasing the length of stay of children in out-of-home placement.
- Increasing the number and rate of children reunified with their birth families.
- Decreasing the number and rate of children re-entering out-ofhome placement.
- Reducing the number of foster care replacements for children in care.
- Increasing the number and rate of siblings placed together.
- Reducing any disparities associated with race/ethnicity, gender or age in *each* of these outcomes.

FEDERAL LAWS

Public Law 96-272

Public Law 96-272, "The Adoption Assistance and Child Welfare Act of 1980," [42 USC 670 et. seq.] amends the Social Security Act and provides the federal legal base for placement services to children. The intent of this law is to strengthen permanency planning for children within each of the states.

Public Law 105-89, ASFA

Public Law 105-89, "The Adoption and Safe Families Act (ASFA) of 1997," amends Part B and Part E of the Social Security Act [42 USC 620-635, and 670-679]. The basic premise of the legislation is that safety, permanency and child well-being must be the major concerns of child welfare. The act redefines reasonable efforts and requires termination petitions in certain circumstances. The act requires that permanency planning begin as soon as possible in the

foster care case, with quality services being provided to families in a timely manner.

Public Law 95-608, ICWA

Public Law 95-608, The Indian Child Welfare Act of 1978, [25 USC 1901-1963] provides the federal requirements regarding removal and placement of Indian children in foster or adoptive homes and allows the child's tribe to intervene in the case. The intent of Congress under ICWA was to protect the best interests of Indian children and families and to promote the stability and security of Indian tribes and cultures [25 USC 1902]. See Indian Child Welfare Act in NAA 100.

Public Law 103-382, MEPA

Public Law 103-382, titled "Howard M. Metzenbaum Multiethnic Placement Act of 1994" [42 USC 5115a], prohibits an agency or entity that receives federal funds and is involved in adoption or foster care placements from:

- a. Denying any person the opportunity to become an adoptive or foster parent on the basis of race, color or national origin.
- Delaying or denying the placement of a child for adoption or into foster care on the basis of race, color or national origin of the foster parent or the child.

Public Law 104-188

Public Law 104-188, titled "Small Business Job Protection Act of 1996" [42 USC 671] clarifies the "Howard M. Metzenbaum Multiethnic Placement Act of 1994." Any consideration of race, color or national origin in a foster care placement must be considered **only** on an **individual basis** and if consideration of these factors is in the **child's best interest**.

Public Law 91-230, IDEA

Public Law 91-230, [20 USC 1400 et. seq.] the federal Individuals with Disabilities Education Act (IDEA) was enacted to meet the needs of persons with disabilities. Part B [20 USC 1411-1419] covers children age three to age 21 with disabilities and ensures that

they will have available special education and related services to meet their unique educational needs.

Part H [20 USC 1431-1445] covers infants and toddlers from birth to age three who have established conditions associated with developmental delay or who are developmentally delayed, and ensures early intervention services to the eligible child and the child's family.

A number of procedural safeguards are provided under Part B and Part H that involve parental notice and consent. One of these procedural safeguards is the appointment of a surrogate parent if the child's legal parent cannot be located. (See FOM 722-11, Surrogate Parent for Educational Purposes.)

Public Law 99-509, AFCARS

Public Law 99-509, "The Omnibus Budget Reconciliation Act of 1986," amended Title IV-E of the Social Security Act [42 USC 670, et. seq.] by adding Section 679. Federal regulations, (45 CFR Parts 1355, 1356 and 1357) issued by the U.S. Department of Health and Human Services, Administration for Child and Families, require that the states submit an electronic file to the Department of Health and Human Services (DHHS) containing specific data on children:

- In foster care for whom the state child welfare agency has responsibility for placement, care or supervision; and
- Children adopted under the auspices of the state's child welfare agency. This electronic reporting system is known as the Adoption and Foster Care Analysis and Reporting System (AFCARS). AFCARS addresses policy development and program management issues at both the state and federal levels. AFCARS data enables federal and state policy makers to assess the reasons why children are in foster care and to develop remedies and strategies to prevent lengthy stays in foster care. The data also assists in research leading to improvements in the child welfare system overall. The federal AFCARS regulations also delineate specific data elements and reporting requirements and identify the financial penalties to the states for failure to comply with the reporting requirements.

Public Law 106-169, "Chafee"

Public Law 106-169, "The John H. Chafee Foster Care Independence Act of 1999," amended Part E of title IV of the Social Security Act. [42 USC 670, et. seq.] This law increased the amount of funding to states previously provided by the federal government. The law sets no minimum age at which independent living preparation services should begin but services must begin several years before high school completion. The law also requires that independent living programs prepare youth for successful management of adult responsibilities, regardless of the permanency planning goal. See FOM 722-06, Independent Living Preparation and FOM 950, Youth in Transition (YIT) Program.

Public Law 109-239, Safe and Timely Interstate Placement of Foster Children Act of 2006

Public Law 109-239, Safe and Timely Interstate Placement of Foster Children Act of 2006, mandates states to implement the new and amended title IV-E State Plan requirements. The law seeks to improve protections for children and holds states accountable for the safe and timely placement of children into safe, permanent homes across state lines by enacting the title IV-E statutory provisions pertaining to interstate foster and adoptive home studies, reasonable efforts, permanency hearings, caseworker visits, case plans and case review system (courts).

Public Law 109-248, Adam Walsh Child Protection and Safety Act of 2006

Public Law 109-248, Adam Walsh Child Protection and Safety Act of 2006, expands the national sex offender registry by integrating the information from state sex offender registry systems and ensuring that law enforcement has access to the same information nationwide. There are several child welfare provisions which increase criminal background check procedures concerning prospective foster and adoptive parents.

Specifically, the law requires states to have procedures in place to conduct criminal background checks including fingerprint-based checks through a National Crime Information Database of prospective foster and adoptive parents before the placement of a child.

States must check any child abuse and neglect registry in each state in which prospective foster and adoptive parents and any other adults living in the home have resided in the preceding five years and to respond to child abuse and neglect registry check requests made by other states.

The law requires states to have safeguards in place to prevent the unauthorized disclosure of information in any child abuse and neglect registry maintained by the state and to prohibit the state from sharing the information obtained from a registry for purposes of background checks of foster and adoptive parents for any other purpose.

Public Law 109-432, Tax Relief and Health Care Act of 2006

The Tax Relief and Health Care Act of 2006, Public Law 109-432, amends sections 471 and 1123A of the Social Security Act by requiring the state agency to have procedures to verify the citizenship or immigration status of all children in foster care.

Public Law 110-351, Fostering Connections to Success and Increasing Adoptions Act 2008

Public Law 110-351, Fostering Connections to Success and Increasing Adoptions Act [42 USC 620 et seq], was signed into law on October 7, 2008. The act, also known as the Fostering Connections Act, is a compilation of child welfare reforms created to promote permanency and well-being for children in foster care. New requirements within this act are designed to connect and support relative caregivers, improve incentives for adoption, provide for tribal foster care and adoption access and improve health and educational outcomes of foster children. Additionally, the law provides states with the options for subsidized guardianship

payments for relatives, adoption assistance, kinship navigator programs, new family connection grants and federal support for youth to age 21.

STATE LAWS

To view state statutes online go to: www.legislature.mi.gov.

1935 PA 220, Michigan Children's Institute Act

1935 PA 220, (MCL 400.200 et seq.), also known as the Michigan Children's Institute Act, requires the department to accept children (up to age 17), and exercise responsibility for them up to age 19, whose parental rights have been terminated and the child has been committed to the department.

1997 PA 171, amended 1935 PA 220, (MCL 400.204(2), requires consultation between the superintendent of Michigan Children's Institute and the child's attorney for children committed to DHS regarding issues of placement, commitment and permanency planning.

1939 PA 280, Social Welfare Act

1939 PA 280, (MCL 400.1 et seq.), also known as the Social Welfare Act, provides that the department investigate, when requested by the court, matters pertaining to dependent, neglected and delinquent children and wayward minors, under the jurisdiction of the probate court and provide supervision and foster care as provided by court order.

1939 PA 288, Juvenile Code

1939 PA 288, (MCL 712A.1 et seq.), also known as the Juvenile Code, requires that each child under the jurisdiction of the court must receive care, guidance, and control, preferably in his own home, conducive to the child's welfare... and that, if a child is removed from the control of his or her parents, the child must be placed in care as nearly as possible equivalent to the care which should have been given to the child by his or her parent.

1988 PA 224, effective 4/1/88, amended the Juvenile Code allowing the court to exercise jurisdiction over a neglected or abused child under 18 years of age. Statutory amendments affected court procedures, court reviews, child welfare licensing, service documentation and planning for both temporary and permanent neglect wards.

1995 PA 264, Juveniles - Placement of Children, an act to amend sections 17c, 18, 18f, 19, 19a and 19b of chapter XIIA, 1939 PA 288. The intent is "to prescribe the powers and duties of the juvenile division of probate court. (Family Division of Circuit Court, eff. 1/1/98)... to prescribe pleadings, evidence, practice, and procedure in actions and proceedings... to prescribe the powers and duties of certain state agencies, departments, and officers."

1997 PA 163, amended 1939 PA 288, the Juvenile Code, and added section 13b to Chapter XIIA. The act:

- Mandates increased judicial oversight of the time a child spends in temporary placement prior to permanent placement and provides an appeals process for placement changes.
- Requires the supervising agency to provide copies of all service plans and medical, mental and education reports on the child to the foster parent/relative/unrelated caregiver and requires the court to order release of medical records when parents refuse consent. See FOM 722-04, INFORMATION TO BE PROVIDED TO FOSTER PARENTS/RELATIVE/UNRELATED CAREGIVERS PRIOR TO PLACEMENT.

1997 PA 169, amended 1939 PA 288, the Juvenile Code, Sections 17, 17c, and 19b and added Section 22. The act:

- Requires petitions be filed under certain circumstances. (See FOM 722-07, Permanency Planning.)
- Requires certain procedures related to abuse/neglect proceedings.
- Mandates time requirements for hearings by the court.
- Provides additional legal representation for the child.
- Adds specific grounds for termination of parental rights in the most serious cases of child abuse and neglect.

 Requires that the State Court Administrator's Office publish an annual report evaluating individual courts on their achievements in obtaining permanency for children.

1998 PA 480, amends the Juvenile Code, sections 13a, 17c, 18f and 19, and added section 17d of chapter XIIA. The act:

- Defines "Attorney", "Guardian ad Litem" and "Lawyer-Guardian ad Litem" as used in MCL 712A.13a(1).
- Requires the court to appoint a lawyer-guardian ad litem (LGAL) to represent a child.
- Requires the LGAL to represent the child until the child is no longer under the jurisdiction of the court or the Michigan Children's Institute.
- Defines the duties of an LGAL.
- Requires the supervising agency to review a child's case plan
 with the child's physician under certain circumstances and
 allows the physician to testify at a hearing where the court is
 considering the return of the child to his/her home. See FOM
 722-06, PHYSICIAN REVIEW OF SERVICE PLAN.
- Allows the child's attorney and LGAL to present information to the court concerning the child.
- In addition to the LGAL, the court may appoint an attorney for the child.

1998 PA 479, amends the Juvenile Code, sections 18f, 19b, and 19c of chapter XIIA. The act:

- Requires the supervising agency to review a child's case plan
 with the child's physician under certain circumstances and
 allows the physician to testify at a hearing where the court is
 considering the return of the child to his/her home. See FOM
 722-06, PHYSICIAN REVIEW OF SERVICE PLAN
- Adds certain criminal convictions to the grounds for termination of parental rights. See FOM 722-07, TERMINATION OF PARENTAL RIGHTS.

1998 PA 530, amends the Juvenile Code, sections 2, 6b, 13a, 19 and 19b. The act:

- Defines a "non-parent" adult (see definitions in this item).
- Grants the court the authority to issue an order that effects a non-parent adult.
- Defines the case service plan.
- Adds grounds for termination of parental rights when a nonparent adult has caused physical injury or physical or sexual abuse and the court believes that the child will suffer continued injury or abuse if returned to the home. See FOM 722-07, TERMINATION OF PARENTAL RIGHTS.

2004 PA 475, amends the Juvenile Code, sections 13a, 13b, 17d, and 18 of chapter XIIA. The act:

- Requires the LGAL to review an agency case file before a hearing for termination of parental rights.
- Requires the LGAL appointed for a child to meet with or observe the child and assess the child's needs and wishes with regard to representation and issues in the case before the following proceedings: pretrial hearing; initial disposition, if held more than 91 days after the petition had been authorized; a dispositional review hearing; a permanency planning hearing; post-termination review hearing and at least once during the pendency of a supplemental petition.
- Expands the definition of related.
- Allows a child to be placed with the parent of a man whom the court has found probable cause to believe is the putative father, if there is no man with legally established rights to the child.
- Requires the Foster Care Review Board to investigate a change in placement within seven days and report its findings and recommendations within three days after completion of the investigation.
- Defines agency case file as the current file from the agency providing direct services to the child, which can include the child protective services file if the child has not been removed from the home or DHS or private child placing agency foster care file.

2004 PA 476, amends the Juvenile Code, section 19c of chapter XIIA. The act:

- Requires the court to conduct a review hearing for children remaining in foster care for more than one year following termination of parental rights, no later than 182 days from the preceding review hearing before the end of the first year and no later than every 182 days from each preceding review hearing until the case is dismissed.
- Requires the court to conduct the first permanency planning hearing within 12 months from the date the child was originally removed from the home. Subsequent permanency planning hearings must be held within 12 months of the preceding permanency hearing.
- Allows a permanency planning hearing to be combined with a review hearing, if proper notice for a permanency planning hearing is provided.
- Prohibits cancellation or delay of permanency planning hearings beyond the required number of months, regardless of whether any other matters were pending.

1973 PA 116, Child Care Organization Licensing Act

1973 PA 116, (MCL 722.101 et seq.), also known as the Child Care Organization Licensing Act, provides protection of children placed out of their own home through the establishment of standards of care for child placement agencies, institutions and family foster homes as well as provision of penalties for noncompliance with promulgated administrative rules.

1974 PA 296, Adoption Code

1974 PA 296, (MCL 710.1 et seq.), also known as the Michigan Adoption Code, provides that a release must be given only to a child placing agency or to the DHS. When a child is released for adoption and committed to a child placing agency, that agency may release the child to DHS and DHS must accept the release. Upon release of a child to DHS, the child must become a state ward.

1974 PA 238, Child Protection Law

1975 PA 238, (MCL 722.621 et seq.), also known as the Child Protection Law, requires the reporting of child abuse and neglect by certain persons permits the reporting of child abuse and neglect by all persons; and provides for the protection of children who are abused or neglected.

1979 PA 218, Adult Foster Care Licensing Act

1979 PA 218, also known as the Adult Foster Care Facility Licensing Act (MCL 700.701 et seq.) and 1973 PA 116, (MCL 722.111 et. seq.) the Child Care Organization Licensing Act allows placement of children in a foster care family home (capacity: 1 to 6 individuals) or small group home (1 to 12 individuals) in certain situations.

1984 PA 186, Mental Health Code

1984 PA 186, (MCL 330.1498a et seq.) amended the Mental Health Code to set forth procedures for the psychiatric hospitalization of minors. The department may request psychiatric hospitalization of a minor ward as outlined in MCL 330.1498a et seq. These statutes also contain procedures for evaluation of a minor ward, obtaining consent for treatment and reviewing the continuing need for hospitalization.

1989 PA 74, Foster Care Review Board

1989 PA 74, (MCL 722.130 et seq.) permanently established the State Foster Care Review Board Program in the State Court Administrative Office and requires it to create local foster care review boards. The Foster Care Review Board Program must review the foster care system and make recommendations concerning the foster care system to appropriate groups and agencies. The local review boards review the initial placement plan and subsequent progress report of children placed into foster care. Written findings and recommendations regarding the care, maintenance, supervision and the plan for permanence for the child in foster care are submitted to the child care organization and Family Division of the Circuit Court within 30 days of the review.

1997 PA 170, Effective July 1, 1998, amends sections 4, 5, 7, and 9 and adds section 7a to the Foster Care Review Board Act. The act:

- Mandates the existence of a Foster Care Review Board (FCRB) in each county or covering multiple counties.
- Provides for creation of additional boards by the State Court Administrative Office.
- Allows for one or more alternate members to serve on review boards.
- Mandates review by the FCRB of a proposed change in foster care placement upon appeal of the foster parent (see FOM 722-03, Foster Parent's/Relative/Unrelated Caregiver's Appeal to the Foster Care Review Board).
- Allows the FCRB to report findings/recommendations to the court regarding a change of placement.
- Mandates review of a sample of permanent wards by Foster Care Review Boards.

1994 PA 203, Foster Care and Adoption Services Act

1994 PA 203, (MCL 722.951 et seq.), also known as the Foster Care and Adoption Services Act, requires adoption attorneys to register with the Office of Children's Ombudsman. The act also requires DHS to maintain a registry of children available for adoption and a registry of prospective adoptive parents, which is the Michigan Adoption Resource Exchange.

1997 PA 172 amended the Foster Care and Adoption Services Act. The act:

- Defines "supervising agency."
- Requires specific activities take place to select a placement, including consultation with relatives as placement alternatives to foster care.
- Requires that notice of placement be provided in writing to certain persons.

- Imposes specific time and practice requirements to be provided in writing to certain persons.
- Discusses requirements for obtaining releases for the medical records of children in placement from parents, guardians or custodians.
- Requires DHS to ensure that each child have a medical provider and that this provider remain constant unless this causes an unreasonable burden for the foster parent, relative or unrelated caregiver.
- Requires the creation of a Medical Passport and outlines use and responsibilities.
- Imposes specific time and practice requirements with respect to adoption.

1996 PA 388

1996 PA 388, (MCL 600.1001 et seq.) - Chapter 10 establishes the Family Division of the Circuit Court to take the place of the Juvenile Division of the Probate Court. A reference to the former Juvenile Division of Probate Court in any statutes of this state must be construed to be a reference to the Family Division of Circuit Court.

2007 PA 218

2007 PA 218 (MCL 722.115 et seq.) amends 1973 PA 116, Child Care Organizations Act (MCL 722.111 et seq.) requiring:

- Finger printing of applicants for adoption and foster home licensure.
- Current foster parents comply with fingerprint clearances prior to their next license.
- Licensed child placing agencies must conduct a check for substantiated child abuse or neglect in every state where the adoptive or foster parent applicant or any adult household member has lived in the five years preceding application.

2008 PA 199

PA 199 of 2008 amends MCL 712A.19b(4) by eliminating the automatic suspension of parenting time when a termination of parental rights petition is filed, and section 19b(5) by requiring the court to

make a finding that termination of parental rights is in the child's best interests.

2008 PA 200

PA 200 of 2008 amends the permanency planning hearing process in MCL 712A.19a. The court must conduct permanency planning hearings periodically to review the status of the child and the progress being made toward the child's return home, or to show why the child should not be placed in the permanent custody of the court. The new law:

- Requires the court to obtain the child's views of his or her permanency plan.
- Requires the court to consider out-of-state placement options.
- Aligns Michigan termination filing requirements with the federal Adoption and Safe Families Act.
- Allows the court to appoint a guardian for a child in lieu of terminating parental rights.

2008 PA 201

PA 201 of 2008, amends MCL 712A.13b to require the agency to notify the court and the child's LGAL (lawyer-guardian ad litem) when a foster child changes placement. Providing notice of the change in placement could alert the court and LGAL to potential problems, especially if a child frequently changes placements. The law allows the agency to send the notice to the court electronically. The notice must include the following information:

- The reason for the change in placement.
- The number of times the child has changed placements.
- Whether or not the child will be required to change schools due to the placement change.
- Whether or not the change will separate or reunite siblings, or affect sibling visitation.

2008 PA 202

PA 202 of 2008 amends MCL 712A.19 by allowing DHS to implement concurrent planning. Concurrent planning is a process of

working towards family reunification, while at the same time establishing an alternative permanency plan in case the child cannot be returned home safely.

2008 PA 203

PA 203 of 2008 amends MCL 712A.19c by allowing the court, with the written consent of the MCl Superintendent, to appoint a guardian for a child after parental rights have been terminated. The Act includes many of the same guardianship requirements as PA 200 of 2008, and adds an appeal process for individuals who cannot obtain the MCl Superintendent's consent to be a guardian.

DEFINITIONS OF TERMS

Case Service Plan

The foster care case service plan is defined by federal (ASFA) and state laws (MCL 712A.13a(1)(d), MCL 712A.18f) and meets the requirements of 471(a)(16), 475(1) and 475(5)(A) of the Social Security Act [42 USC 671 et seq.].

The foster care case service plan is a written document, developed jointly with the parent(s) or caregiver(s) of the child in foster care. The case service plan for each child:

- Is developed within 30 days from the child's removal from the home.
- Is updated and revised at 90-day intervals if a child continues placement outside of the child's home.
- Includes a description of the services offered and provided to prevent removal of the child from the home and to reunify the family.
- Includes a description of the type of home or institution in which the child is placed.
- Includes a discussion of the safety and appropriateness of the placement.
- Includes a plan for ensuring that the child receives safe and proper care, and services are provided to the parent(s) in order to improve the conditions in the parent's home to facilitate the

- child's return to their own safe home or the permanent placement of the child.
- Includes a discussion of the appropriateness of the services that have been provided to the child under the case service plan.
- Where appropriate for a youth 16 or over, includes a written description of the programs and services which will help such youth prepare for the transition from foster care to independent living.
- Documents the steps to finalize a placement when the case service plan goal is or becomes adoption or placement in another permanent home.
- Includes a discussion of how the case service plan is designed to achieve a safe placement for the child in the least restrictive (most family-like) setting available and in close proximity to the home of the parent(s) when the case plan goal is reunification and a discussion of how the placement is consistent with the best interests and special needs of the child.
- If the child has been placed in a foster family home or childcare institution a substantial distance away from the home of the parent(s), or in a different state, sets forth the reasons why such a placement is in the best interests of the child.
- If the child has been placed in foster care in a state outside the state in which the child parent's are located, ensures that an agency caseworker on the staff of the state in which the child has been placed or of a private agency under contract with either such state, visits the child in the foster home or institution no less frequently than every six months and submits a report on the visit to DHS.
- Incorporates the health and education records of the child including the most recent information available regarding:
 - •• The names and addresses of the child's health and education providers.
 - •• The child's grade level performance.
 - •• The child's school record.

- Assurances that the child's placement in foster care takes into account proximity to the school in which the child is enrolled at the time of placement.
- •• A record of the child's immunizations.
- The child's known medical problems.
- •• The child's medications.
- Any other relevant health and educational information concerning the child determined to be appropriate as further outlined in the DHS foster care policy manual.

To meet the case service plan requirements, three case service plans formats and the parent-agency treatment plan and service agreement are required by DHS:

- The initial service plan is due within 30 days from the child's removal (see FOM 722-08, initial service plan requirements).
- Updated service plans, are required at 90-day intervals for all open cases (see FOM 722-09, updated service plan requirements).
- The permanent ward service plan, is the updated service plan for all permanent wards (also known as MCI wards, state wards and permanent court wards) and is required at 90-day intervals (see FOM 722-09D, Permanent Ward Service Plan).
- The parent/agency treatment plan and service agreement (see FOM 722-08C, parent-agency treatment plan and service agreement requirements) developed by the supervising agency and the parent(s) or caregiver is required to be completed and updated with each case service plan, unless the child is a permanent ward, which requires the completion of the treatment plan contained within that case service plan.

Father

Michigan Court Rule (MCR) 3.903(7) defines a father as:

 A man married to the mother at any time from a child's conception to the child's birth, unless a court has determined, after notice and a hearing, that the child was conceived or born during the marriage, but is not the issue of the marriage.

- A man who legally adopts the child.
- A man who by order of filiation or by judgment of paternity is judicially determined to be the father of the child.
- A man judicially determined to have parental rights.
- A man whose paternity is established by the completion and filing of an acknowledgment of parentage in accordance with the provisions of the Acknowledgment of Parentage Act, MCL 722.1001 et seq., or a previously applicable procedure. For an acknowledgment under the Acknowledgment of Parentage Act, the man and mother must sign the acknowledgment of parentage before a notary public appointed in Michigan. The acknowledgment must be filed at either the time of birth or during the child's lifetime with the state registrar.

Unrelated Caregiver

Refers to adults who are not related to a child by blood, marriage or adoption, who have a psychological/emotional bond with the child and are identified as "family" as a result of their active role in the functioning of the nuclear family.

Foster Care

Means 24-hour substitute care for children placed away from their parents or guardians and for whom DHS has placement and care responsibility. This includes, but is not limited to, placements supervised by a private child placing agency under contract with DHS, placements in foster family homes, relative's homes, group homes, emergency shelters, residential facilities, child care institutions and preadoptive placements. A child is in foster care regardless of whether the foster care facility is licensed and payments are being made for the care of the child, whether adoption subsidy payments are being made prior to the finalization of an adoption, or whether there is federal matching of any payments.

Non-parent Adult

A person who is 18 years of age or older and who, regardless of the person's residence, meets all the following criteria in relation to a child:

Has substantial and regular contact with the child.

- Has a close personal relationship with the child's parent or with a person responsible for the child's health or welfare.
- Is not the child's parent or otherwise related to the child by blood or affinity to the third degree.

This may include, for purposes of case planning, a "boyfriend" or "girlfriend." A non-parent adult is a "person responsible for the child's health or welfare." (For a more detailed definition of a "person responsible for the child's health or welfare" see CPS Manual PSM 711-4, CPS LEGAL REQUIREMENTS AND DEFINITIONS.)

Placement Episode

A placement episode begins when a child is removed from an own-home living arrangement (01-own home, 03-legal guardian or 22-out-of-state parent) to an out-of-home living arrangement or when a case is opened with the living arrangement coded as out-of-home.

Primary Caretaker

The adult (typically the parent) living in the household who assumes the most responsibility for child care. When two adult caretakers are present **and** there is doubt about which one assumes the most child care responsibility, the adult legally responsible for the children must be selected. If this rule does not resolve the question, the legally responsible adult who was a perpetrator must be selected. Only **one** primary caretaker can be selected.

Relatives

As defined in 2004 PA 475, MCL 712A.13a(j), "Relative" means an individual who is at least 18 years of age and related to the child by blood, marriage or adoption, as grandparent, great-grandparent, great-great-grandparent, aunt or uncle, great-aunt or great-uncle, great-great aunt or great-great uncle, sibling, stepsibling, nephew or niece, first cousin or first cousin once removed and the spouse of any of the above, even after the marriage has ended by death or divorce.

A child may be placed with the parent of a man whom the court has found probable cause to believe is the putative father if there is no man with legally established rights to the child. A placement with the parent of a putative father must not be construed as a finding of

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paternity or to confer legal standing on the putative father. For Indian children, see NAA 215.

Secondary Caretaker

The adult who has routine responsibility for child care, but less responsibility than the primary caretaker. A non-parent adult may be a secondary caretaker even though they have minimal responsibility for care of the child(ren).

Supervising Agency

The child placing agency supervising the family foster care placement of a child. This may be either the local DHS office or the private child placing agency under contract with DHS to provide foster care services.